

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

JOHN B. ADRAIN,

Plaintiff,

vs.

AMAZON.COM, INC., BEST BUY CO., INC.,
GAMESTOP CORP., MICROSOFT
CORPORATION, TARGET CORPORATION,
TOYS "R" US, INC.; and WAL-MART
STORES, INC.

Defendants.

§ Case No. 2:13-cv-967

§ **JURY TRIAL DEMANDED**

MOTION FOR DISMISSAL WITHOUT PREJUDICE OF DEFENDANTS,
AMAZON.COM, INC., BEST BUY CO., INC. GAMESTOP CORP., TARGET
CORPORATION, TOYS "R" US, INC., AND WAL-MART STORES, INC.

Plaintiff John B. Adrain ("Plaintiff"), pursuant to FED. R. CIV. P. 41(a)(1), hereby moves for an order dismissing all claims brought by Plaintiff against Defendants, Amazon.com, Inc., Best Buy Co., Inc. Gamestop Corp., Target Corporation, Toys "R" Us, Inc., and Wal-Mart Stores, Inc., in this action as follows:

1. All claims brought by Plaintiff against Defendants Amazon.com, Inc., Best Buy Co., Inc. Gamestop Corp., Target Corporation, Toys "R" Us, Inc., and Wal-Mart Stores, Inc. shall be dismissed WITHOUT PREJUDICE.
2. Each party shall bear its own costs, expenses and attorneys' fees.

Dated: January 20, 2014

Respectfully submitted,

By: /s/ John T. Polasek

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CERTIFICATE OF CONFERENCE

In compliance with Local Rule CV-7(h), I hereby certify that counsel for John B. Adrain has conferred with counsel for Defendant and this motion is unopposed.

/s/ John T. Polasek

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this 20th day of January, 2014. All other counsel not deemed to have consented to service in such manner will be served via facsimile transmission and/or first class mail.

/s/ John T. Polasek
John T. Polasek